

COPY

IN THE DISTRICT COURT OF KIMBALL COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
 MICHAEL J. LINDER, Director)
 DEPARTMENT OF ENVIRONMENTAL)
 QUALITY,)
 Plaintiff,)
 v.)
 CLEAN HARBORS ENVIRONMENTAL)
 SERVICES, INC.)
 A Massachusetts Corporation,)
 Defendant.)

Case No. GT06-48

CONSENT DECREE

COME NOW the parties, Plaintiff, the Department of Environmental Quality (hereinafter "NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon C. Bruning, Attorney General, and the Defendant Clean Harbors Environmental Services, Inc., appearing through its counsel Kevin Colleran, and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 1999, Cum. Supp, 2004, Supp. 2005), the Nebraska Environmental Protection Act, and all rules and regulations and orders promulgated thereunder.
2. The Complaint filed herein constitutes a justiciable cause of action against the Defendant.
3. In its Complaint, Plaintiff alleges that the Defendant accepted for storage F027 hazardous waste at the facility in violation of Part III.B.2 of the RCRA Permit and Title 128, Chapter 12, 002.01 on three separate occasions in 2003 and 2004; generated solid waste the form of wash water contaminated with incinerator ash without

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 DISTRICT COURT
 KIMBALL, NEB.

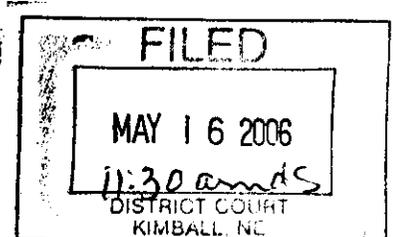
making a determination as to whether that waste was hazardous in violation of Title 128, Chapter 4, 002; and accepted for storage U205 hazardous waste at the facility in violation of Part III.A.1 of the RCRA Permit and Title 128, Chapter 12, 002.01.

4. The parties agree that settlement of these matters is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by the Defendant with respect to such issues. The Defendant agrees to the form and entry of this Consent Decree for the purposes of settlement only. Therefore, and for only the purposes of this Consent Decree, the parties agree to the entry of this Consent Decree by the Court.

5. This Consent Decree shall be in full satisfaction of all claims alleged in the complaint filed herein and any claims arising out of the same transaction or occurrences asserted therein, provided that such claims were known to the State of Nebraska, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the Consent Decree. This Consent Decree excludes any violations that may have been discovered during an inspection of the facility by the NDEQ on or during the week of April 3, 2006 through April 7, 2006, and is not in satisfaction of any claims that may arise out of that inspection.

6. This Consent Decree will have no effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or regulations.

7. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.



8. IT IS THEREFORE ORDERED that the Defendant shall pay to the Clerk of the District Court a civil penalty in the amount of eighty thousand dollars (\$80,000.00), pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs herein in the amount of seventy-nine dollars (\$79.00), to be paid within thirty days of the approval of this Consent Decree by the Court.

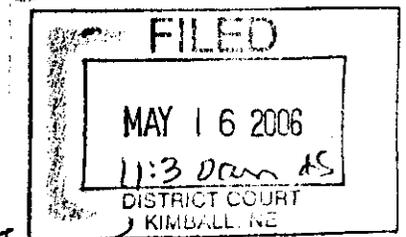
9. IT IS FURTHER ORDERED that the Defendant shall pay, as a voluntary supplemental environmental project, the sum of eighty thousand dollars (\$80,000.00) into the Attorney General's Environmental Protection Fund to be used for environmental safety, training, public awareness, or other related uses as permitted by state law, at the sole discretion of the Nebraska Attorney General. This sum shall be paid as a lump-sum payment due no later than thirty days after the approval of this Consent Decree by the Court.

DATED THIS 16th day of May, 2006, in Kimball County, Nebraska.

BY THE COURT:



District Judge



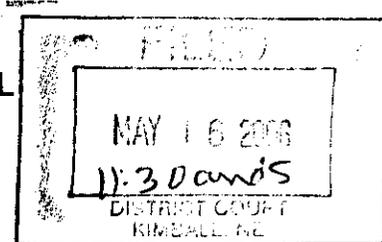
STATE OF NEBRASKA ex rel.,
MICHAEL J. LINDER, Director
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Quality, Plaintiff,

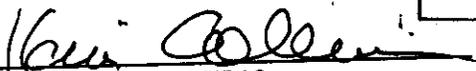
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